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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,275	07/02/2003	Rikuro Obara	051319/0035	4068

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SCHULTE ROTH & ZABEL LLP  
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919 THIRD AVENUE  
NEW YORK, NY 10022

EXAMINER

GILLAN, RYAN P

ART UNIT	PAPER NUMBER
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3746

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

6

<b>Office Action Summary</b>	<b>Application No.</b> 10/612,275	<b>Applicant(s)</b> OBARA ET AL.	
	<b>Examiner</b> Ryan P. Gillan	<b>Art Unit</b> 3746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 8-14 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsieh (6,270,325) in view of Carter (3,652,186). Hsieh teaches an apparatus for a fan motor comprising: a base (30), a cylindrically-shaped bearing housing (431) integrally formed from the base, having a hollow interior and a first and a second open end (clearly seen in figure 2); a pair of bearings (41 & 43) set in an interior of the bearing housing; a rotational shaft (13) supported by the pair of bearings; and a retainer cap (31) set through an aperture in the base. A stator (22) fixed to an outer periphery of the bearing housing; a rotor (15) fixed to the rotational shaft and positioned to face the stator; and an impeller fixed (10) to the rotational shaft. A spacer (42), cylindrically shaped, is set in the interior of the bearing housing between the pair of bearings. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate at least one oil groove as a means of keeping the bearings lubricated. An end of the rotational shaft towards the base is spherically shaped (clearly seen in figure 2). One bearing, of the pair of bearings, is a shielded ball bearing (41) and the other is a sleeve bearing (43) having a chamfered edge. A magnet of the rotor having a central part offset from a central part of a core of the stator. The stator is

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nearer to the base than the magnet, which is fixed to the rotor, and thus creates an attraction of the rotor to the stator, in the direction of the base (clearly seen in figure 2).

3. Hsieh fails to teach a shield part integrally formed on the bearing housing at an end opposite the base and which extends in a radial direction towards the rotational shaft. A hub, to which the rotational shaft is attached, has a cylindrical part, which is inserted into an aperture in the shield part, wherein a clearance gap between the cylindrical part and the shield part is in a labyrinthine shape. The interior of the bearing housing is shielded by the shield part and the retainer cap and the pair of bearings are retained in the bearing housing by contact with the shield part and retainer cap.

4. Carter teaches a shield part (55. See fig. 4) integrally formed on the bearing housing (49) at an end opposite the base and which extends in a radial direction towards the rotational shaft (43). A hub (42), to which the rotational shaft is attached, has a cylindrical part (clearly seen in figure 4, protruding from the hub, along the shaft), which is inserted into an aperture in the shield part (clearly seen in figure 4).

5. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hsieh to incorporate the shield portion of the bearing housing and an aperture receiving a cylindrical portion of the hub as a means of providing a sealed protection for the bearings against debris, without having the seal in direct contact with the shaft. It would also have been obvious to one of ordinary skill in the art at the time of the invention to create a conventional labyrinthine seal between the hub and the shield as a means of reducing leakage of liquid into the bearing housing without the use of separate sealing elements, thereby reducing cost and improving the life of the seal.

6. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsieh in view of Carter and in further view of Obara (6,379,129). Hsieh in view of Carter show the limitations of claim 1, but fail to teach a coil spring interposed between the rotational shaft and the retainer cap and a slide member interposed between the coil spring and the rotational shaft.

7. Obara teaches a coil spring (106) interposed between the rotational shaft (101) and the hub (108) and a slide member (105a) interposed between the coil spring and the rotational shaft. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hsieh and Carter to incorporate the coil spring and slide member as a means of advantageously pre-loading the ball bearings (col.1 lines 10-14). Although Obara discloses the coil spring interposed between the hub and the shaft, it will equally serve in preloading the bearing to interpose the spring between the shaft and the retainer cap.

8. Claims 6 and 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Hsieh in view of Carter and in further view of Schmider et al. (5,176,509). Hsieh in view of Carter show the limitations of claims 1 and 2, but fail to teach a retainer cap further with at least one engagement claw for snapping onto the base and a magnet of the rotor having a central part offset from a central part of a core of the stator, wherein the rotor is attracted in a direction away from the base.

9. Schmider et al. teach a retainer cap (3) with at least one engagement claw (41) for snapping onto the base (40) and a magnet (15) of the rotor having a central part offset from a central part of a core of the stator (10), wherein the rotor is attracted in a

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direction away from the base. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the engagement claw into the retainer cap as a means of secure fastening without additional fastening elements or parts. It would also have been obvious to one of ordinary skill in the art at the time of the invention to configure the magnet of the rotor and the stator in such a way as to bias the rotor away from the base, thereby reducing some of the stress on the bearings, extending their working life.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Chung (5,997,265) teaches a bearing structure for a radiating fan.
- Harmsen et al. (5,267,842) teach an axial fan with bearing supports, a hub and bearing housing.
- Konno (6,379,126) teaches a blower a bearing holder on which the stator is mounted.

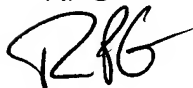
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan P. Gillan whose telephone number is 571-272-8381. The examiner can normally be reached on 8:00 am - 4:30 pm; Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Thorpe can be reached on 571-272-4444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RPG

A handwritten signature in black ink, appearing to be 'RPG' with a stylized flourish.A handwritten signature in black ink, appearing to be 'Thorpe' with a stylized flourish.

Timothy S. Thorpe  
Supervisory Patent Examiner  
Group 3700